

STATE OF NEW JERSEY

***Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
www.bpu.state.nj.us***

CABLE TELEVISION

IN THE MATTER OF THE PETITION OF COMCAST
CABLEVISION OF NEW JERSEY, INC. FOR A
RENEWAL CERTIFICATE OF APPROVAL TO
CONTINUE TO OPERATE AND MAINTAIN A CABLE
TELEVISION SYSTEM IN AND FOR THE
TOWNSHIP OF CALDWELL, COUNTY OF ESSEX,
STATE OF NEW JERSEY

RENEWAL CERTIFICATE OF APPROVAL

DOCKET NO. CE02040256

Stryker, Tams and Dill, Newark, New Jersey, by Dennis C. Linken, Esq., for the Petitioner.

Township Clerk, Township of Caldwell, New Jersey, by Edward Sandve, for the Township.

BY THE BOARD:

On July 1, 1976, the Board granted Suburban Cablevision ("Suburban") a Certificate of Approval in Docket No. 7642C-6158, for the construction, operation and maintenance of a cable television system in the Township of Caldwell ("Township"). On October 7, 1991, the Board approved the renewal of Suburban's Certificate of Approval in Docket No. CE91040863. On November 30, 1994, the Board approved the acquisition of the shares of the parent company of Suburban Cablevision, Maclean Hunter, Inc., by Comcast MH Holdings, Inc. in Docket No. CM94080365. The company is now known as Comcast Cablevision of New Jersey, Inc. ("Petitioner"). Although the Petitioner's Certificate expired on July 1, 2001, it is authorized to continue to provide cable television service to the Township pursuant to N.J.S.A. 48:5A-25..

The Petitioner filed an application for the renewal of its municipal consent with the Township on September 29, 2000, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13. The Township, after public hearing, adopted a municipal ordinance granting renewal consent to the Petitioner on March 12, 2002. On March 28, 2002, the Petitioner formally accepted the terms and conditions of the ordinance, in accordance with N.J.S.A. 48:5A-24.

On April 23, 2002, pursuant to N.J.S.A. 48:5A-16, the Petitioner filed with the Board for a renewal of its Certificate of Approval for the Township. The Board has reviewed the application for municipal consent, the petition for a Renewal Certificate of Approval and the municipal consent ordinance. Based upon this review and the recommendation of the Office of Cable Television, the Board HEREBY FINDS the following:

1. The Petitioner possesses the requisite legal, character, financial and technical qualifications for the awarding of a Renewal Certificate of Approval. Further, the Township reviewed these qualifications in conjunction with the municipal consent process. See N.J.S.A. 48:5A-22 to 29 and N.J.A.C. 14:18-13.
2. The design and technical specifications of the system will ensure that the Petitioner provides safe, adequate and proper service.
3. The Petitioner has represented that all previously required construction within the franchise territory is complete.
4. The franchise period as stated in the ordinance is ten years. The Board finds this period to be of reasonable duration.
5. The Township may review the performance of the Petitioner with regard to the ordinance at its discretion. If the Township determines that the Petitioner has failed to substantially comply with the material terms and conditions of the ordinance, the Township shall provide written notice to the Petitioner of such alleged instances of non-compliance and shall grant the Petitioner 90 days to cure such deficiency. The Township may petition the Board for appropriate administrative action, including revocation of the franchise or reduction of the franchise term, only after the 90-day opportunity to cure has passed and the deficiency has not been cured.
6. The Petitioner's rates shall be regulated and tariffs shall be filed for all services, in accordance with the rules and regulations of the Federal Communications Commission, the Board and the Office of Cable Television. The Petitioner shall maintain informational tariffs for unregulated service rates and promptly file any revisions thereto.
7. Pursuant to N.J.S.A. 48:5A-26(b), the ordinance specifies a complaint officer to receive and act upon complaints filed by subscribers in the Township. In this case, it is the Office of Cable Television. All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5.
8. The Petitioner shall maintain a local business office or agent for the purpose of receiving, investigating and resolving complaints. Currently, the local office serving this provision is located at 800 Rahway Avenue in the Township of Union, New Jersey.
9. The franchise fee to be paid to the Township is specified to be 2% of the Petitioner's gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception service in the Township. Additional regulatory fees shall be paid to the State in an amount not to exceed 2% of Petitioner's gross operating revenues derived from intrastate operations. The Board finds these fees to be reasonable.

10. The Petitioner shall provide service along any public right-of-way to any person's residence or business located in all areas of the franchise territory at tariffed rates for standard and non-standard installation. In all other circumstances, the Petitioner shall utilize the line extension policy ("LEP") attached to the Certificate. The minimum homes per mile figure is 35.
11. The Petitioner shall provide public, educational and governmental ("PEG") access channels and facilities in accordance with its renewal application and the ordinance. Specifically, the Petitioner shall provide one dedicated municipal access channel for the use by the Township and its designees.
12. Within 12 months of issuance of this Certificate, the Petitioner shall pay to the Township a one-time capital contribution in the amount of \$23,000.00 for technology support. Upon completion, the Petitioner shall submit a letter to the Office of Cable Television indicating its compliance with this provision.
13. The Petitioner shall also maintain one system-wide channel designated for public access. In addition, the application indicates that the Petitioner maintains a system-wide channel designated for municipal access. The Petitioner also maintains fully equipped operational local production studios in Union Township and Woodbridge Township for the creation of local and access programming.
14. The Petitioner shall provide the installation and basic service to one outlet, free of charge, to: a) each public and private elementary and secondary school; b) the municipal building; c) the fire department; d) the first aid squad; e) the library; f) the community center; and g) the public works building, that exists or may be built in the Township, provided that the facility is within 200 feet of activated cable distribution plant. The Petitioner shall provide the installation of four additional outlets in the community center and shall install or relocate three additional outlets in municipal facilities, to be determined by the Township, provided that the facility is within 200 feet of activated cable distribution plant.
15. Upon reasonable written request of the Township, the Petitioner shall appear at a public hearing of the governing body or before the Township's cable television advisory committee, at least once annually, to review all matters pertaining to the provision of cable service to the residents of the Township and other related issues.

Based upon these findings, the Board HEREBY CONCLUDES that, pursuant to N.J.S.A. 48:5A-17(a) and 28(c), the Petitioner has sufficient financial and technical capacity and meets the legal, character and other qualifications necessary to construct, maintain and operate the necessary installations, lines and equipment and is capable of providing the proposed service in a safe, adequate and proper manner.

Therefore, the Petitioner is HEREBY ISSUED this Renewal Certificate of Approval as evidence of Petitioner's authority to construct and operate a cable television system within the entirety of the Township.

This Renewal Certificate is subject to all applicable State and federal laws, the rules and regulations of the Office of Cable Television, and any such lawful terms, conditions and limitations as currently exist or may hereafter be attached to the exercise of the privileges granted herein.

The Petitioner shall adhere to the operating standards set forth by the Federal Communications Commission's rules and regulations, 47 C.F.R. Section 76.1 et seq. Any modifications to the provisions thereof, shall be incorporated into this Certificate. Additionally and more specifically, the Petitioner shall adhere to the technical standards of 47 C.F.R. Part 76, Subpart K.

Failure to comply with all applicable laws, rules, regulations and orders of the Board or Office of Cable Television and/or the terms, conditions and limitations set forth herein may constitute sufficient grounds for the suspension or revocation of this Certificate.

This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to and enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

This Certificate shall expire on July 1, 2011.

DATED: July 24, 2002

BOARD OF PUBLIC UTILITIES
BY:

(signed)

JEANNE M. FOX
PRESIDENT

(signed)

FREDERICK F. BUTLER
COMMISSIONER

(signed)

CAROL J MURPHY
COMMISSIONER

(signed)

CONNIE O. HUGHES
COMMISSIONER

ATTEST:

(signed)

KRISTI IZZO
SECRETARY